



Woodlawn  
School

# **Resolving Group Disputes at Work Policy & Procedure**

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## Section One – Resolving Group Disputes At Work: Policy

### 1. Introduction

101 The purpose of this Group Dispute Resolution Policy & Procedure is to introduce a consistent approach to the resolution of group (sometimes referred to as collective) disputes where they arise within school. The Governing Body feel that effective relations with staff in school are crucial and every effort should be made to ensure positive and constructive relationships with staff and their trade union/professional association representatives. This document therefore encapsulates our strong commitment as a Governing Body to consultation and negotiation at all levels.

### 2. Scope and aims

201 A Group dispute exists where more than one member of staff within school wishes to pursue a matter of shared dissatisfaction, common to all, and relating to their employment. Where an individual member of staff has concerns these will be referred to the school Resolving Grievances at Work Procedure for action, though it is recognised that in exceptional circumstances such concerns may develop into a group dispute. In such circumstances the application of this procedure may then become appropriate and proceedings under the school Resolving Grievances at Work Procedure will be suspended.

202 In addition, the Governing Body have determined that this document will not apply in the following circumstances:

- Matters of discipline or performance
- Pay and grading
- Matters related to the Teachers or Local Government Pension Scheme
- Redundancy selection
- Job evaluation

Except where the action taken is considered by the group as alleged unlawful discrimination or victimisation.

203 It is implicit that in referring a matter through this Resolving Group Disputes At Work: Policy & Procedure there must be a genuine desire to find a reasonable solution. There is therefore an onus on both parties to bring about a resolution to the dispute and every effort should be made to achieve this in a timely, consistent and equitable manner, reducing the need for either party to resort to unilateral action outside the remit of this document.

204 This Policy & Procedure will be applied fairly and consistently regardless of a person's gender or gender identity, marital status, employment status, sexual

orientation, race, language, ethnic or national origins, faith or religion, disability age, trade union/professional association membership or activity together with any political view or affiliation.

205 This policy and procedure will be subject to regular review and evaluation by the Governing Body.

### 3. Principles

301 To ensure effective relations with staff and their trade union/professional association representatives the Governing Body, when dealing with group disputes within school, has endorsed a set of key principles. These being:

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- All parties are entrusted to act in good faith and in accordance with this policy and procedure and are expected to be committed to working toward resolution at all stages of the process.
  - Where informal resolution cannot be achieved, the formal procedure attached to this policy will be implemented in a timely manner.
  - The group raising the dispute will be given the opportunity at each stage to fully explain their complaint/issue(s).
  - Meetings must be conducted in a manner that enables all parties to explain their position with a view to working to an acceptable solution.
  - The staff raising the group dispute will have the right at every stage of this procedure to be accompanied by a work colleague or trade union/professional association representative. In addition, they will have a right to be represented by a work colleague or their trade union/professional association representative at any formal stages of the dispute procedure.
  - Those persons hearing the dispute at each formal stage of the procedure will be given access to appropriate HR support and any subsequent advice/guidance provided will be given due consideration.
  - All individuals investigating and/or hearing group disputes at any formal stages of the Group Dispute Resolution procedure will be appropriately trained and/or supported by an HR Business Partner throughout.
  - Individuals who are part of any Appeal Panel will not have been involved in an earlier stage or have prior detailed knowledge of the concerns raised.

### 4. Confidentiality

401 It is expected that the group of staff raising a dispute and any other individuals involved in its investigation will, in accordance with this policy and procedure maintain confidentiality and discretion.

402 In doing so all complaints raised under this procedure will be treated with appropriate discretion with the proceedings, discussions and records of any group dispute will be kept as confidential as possible. However, all parties recognise that certain complaints cannot be formally investigated on an entirely confidential basis. Some disputes may be of a sensitive or

controversial nature and the balance must be kept between maintaining confidentiality and the need for informed discussions to allow resolution on the issue raised.

## 5. Meetings, Hearings & Appeals

501 Such persons or panel members as designated by the Governing Body's Standing Orders will carry out their official duties at all meetings, hearings and appeals under this Policy & Procedure and in accordance with 'A Guide to the Law for School Governors', statutory requirements and other appropriate DfE Guidance.

502 It is recognised that a group dispute can be a difficult time for staff concerned and as such it is expected that meetings, hearings and appeals will be conducted in a manner that enables staff to explain their views to encourage their resolution.

503 To facilitate this, as a group dispute may involve a number of staff and/or their trade union/professional association representatives, that they be requested to select spokespersons to represent them at any meetings, hearings and appeals.

## Section Two – Resolving Group Disputes At Work: Procedure

### 6. Informal dispute resolution

- 601 Where a group of staff have concerns relating to their work they should raise these informally with their line manager<sup>1</sup>. If a group concerned do not wish to approach their line manager then they may speak to the Headteacher (or their designate). Alternatively, the group of staff concerned may choose to request their trade union/professional association representative(s) or a Work colleague raise the matter on their behalf with the Headteacher<sup>2</sup>. In such circumstances the representatives concerned will outline and explain informally, on their member's behalf, the group concerns.
- 602 The Governing Body expects that most problems in the workplace can best be resolved through discussion between the parties involved. It is therefore important at this early stage for the manager dealing with the dispute to seek advice from the school Link HR Business Partner, with a view to considering how best to move the situation forward to resolve the dispute.
- 603 In cases involving working relationships it may be appropriate at this early stage to consider additional support that may include, but will not be limited to, mediation. This may allow both parties an opportunity to address any concerns, helping both the School and the staff concerned to understand why a situation has occurred. Should this be an option, which both parties are willing to consider, the school Link HR Business Partner will have information on the additional support available.
- 604 As part of any agreement at this informal stage the timescales for implementing decisions by either side will be agreed as part of a joint action plan. Where agreement is not achieved at this informal stage the group of staff concerned may refer the matter to be resolved through the formal procedure outlined below<sup>3</sup>.

### 7. Formal dispute resolution

- 701 The purpose of the formal stage of this procedure is to resolve as quickly as possible those areas of continued dispute, which, after meaningful informal discussions remain unresolved. The notification of a formal dispute at this stage

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<sup>1</sup> Line Manager – the person who undertakes this role may vary from school to school and is dependent upon the staffing structure in place. However, it is important that both the line manager and the staff they manage are clear on such arrangements within school.

<sup>2</sup> Where the group of staff are in dispute with the actions of the Headteacher then the concerns should be raised with the Chair of the Governing Body (or their designate – in accordance with the schools Standing Orders, referencing this policy in doing so).

<sup>3</sup> The Group of staff and/or their trade union/professional association representatives or work colleague may be requested to select spokespersons to represent their concerns at any formal meetings, hearings and appeals by the manager/Appeal Panel dealing with the group dispute consisting of no more than three members of staff. Where this is the case, reference to written correspondence with the group in dispute will be with these spokespersons and/or their trade union/professional association representatives.

must be in writing to the Headteacher<sup>4</sup> and must clearly set out the grounds for the dispute and proposals for its resolution.

702 Where the group in dispute do not provide sufficient information outlining reasons for requesting a formal Stage 1 Hearing the Headteacher may request further clarity on points raised, which may delay the hearing from taking place. It is therefore important that the group of staff and/or their trade union/professional association representatives do their utmost to provide sufficient information when entering this formal procedure.

### **Stage 1 Hearing**

703 Following receipt of the notification to enter stage 1 of this procedure, the Headteacher, following consultation with their Link HR Business Partner, will issue a letter acknowledging notification of the formal group dispute within 2 standard working days to staff concerned. This letter will include the date/time/venue<sup>5</sup> of the stage 1 Hearing, which will take place no more than 5 standard working days following receipt of this initial request, as well as including reference to the concerns raised by staff and/or their trade union/professional association representatives or work colleague.

704 Those present at this Hearing will be the Headteacher and their school Link HR Business Partner, together with the group of staff in dispute and/or their trade union/professional association representatives. Also present will be a minute taker appointed by the Headteacher.

705 The nature of this Hearing will be to attempt resolution of the group dispute and, where applicable, agree a joint action plan. This meeting may adjourn to allow the Headteacher to investigate issues raised, as well as in circumstances where either party requests time to consider proposals presented.

706 The Headteacher will confirm the outcome of the Hearing in writing to the group in dispute and/or their trade union/professional association representatives within 5 standard working days. This letter will identify;

- the concerns that have been considered;
- the action taken so far to resolve the dispute;
- the decision and the reasons for this outcome;
- the action plan proposed to resolve the concerns raised.

707 Where the matter is resolved this will be confirmed in writing as part of any joint action plan agreed to resolve the dispute. At this point the Group dispute will be considered to have been resolved.

Where the Group in dispute find that proposals presented by the Headteacher, in conjunction with the school Link HR Business Partner, are at this stage

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<sup>4</sup> Where the dispute concerns the actions of the Headteacher this correspondence should be directed to the Chair of Governors. Where this is the case the Chair of Governors will undertake the role of the Headteacher throughout this process.

<sup>5</sup> Consideration should be given to the venue for any meetings/hearings or appeals to ensure a setting is conducive to resolving such disputes.

unacceptable, they may move to Stage 2 of the formal procedure.

708 Any request to move to a Stage 2 appeal will be made in writing to the Clerk to Governors<sup>6</sup> within 5 standard working days following written receipt of the outcome/decision reached at Stage 1. The Group will be required to outline their reasons for requesting an appeal and proposals for its resolution. The Clerk to Governors will then liaise with the Chair of the Appeal Panel regarding the timing of a proposed appeal

709 Where the Group in dispute do not provide sufficient information outlining reasons for requesting a formal Stage 2 Appeal the Chair of the Appeal Panel may request further clarity on points raised, which may delay the Appeal from taking place within the timescales set in this document. It is therefore important that the Group of staff and/or their trade union/professional association representatives or work colleague do their utmost to provide sufficient information for the Appeal to proceed.

### **Stage 2 Appeal**

710 Following receipt of the notification to enter Stage 2 of this procedure, the Clerk to Governors will acknowledge this request within 2 standard working days by sending a letter to all parties concerned. This letter will be deemed the formal notice of a Stage 2 Appeal, which will be held in no more than 10 standard working days following this formal notice being issued.

711 This letter will provide details of the date/time/venue of the Appeal. It will also request both parties to provide the Clerk To Governors with written documentation relating to the Appeal, together with the identification of witnesses no more than 5 standard working days prior to the Appeal taking place. The Clerk To Governors will then forward this documentation to all parties no later than 4 standard days prior to the Appeal.

712 Those present at this meeting will be the Appeal Panel and supporting HR Business Partner, the Headteacher and school Link HR Business Partner, together with the group of staff in dispute and/or their trade union/professional association representatives or work colleague. Also present will be a minute taker (if not the Clerk to Governors) appointed by the Appeal Panel.

713 The nature of this Appeal will be to attempt resolution of the remaining areas under dispute and, where applicable, agree a joint action plan. This meeting may adjourn to allow the Headteacher to investigate issues raised, as well as in circumstances where either party requests time to consider proposals presented.

714 Once the Appeal Panel have listened to the comments/arguments put forward by both parties they will make a decision. Where possible this will be communicated verbally to the Group and/or their trade union/professional representatives or work colleague, confirmed in writing within 5 standard working days of the decision. This letter will identify:

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<sup>6</sup> This is reference to the Clerk to the Governing Body or Clerk appointed to a sub committee of that body (for example this may be a member of the school admin team). It is the responsibility of the Governing Body to arrange for appropriate clerking for its committees.



- the concerns that the Appeal Panel have considered;
- the action taken so far to resolve the dispute;
- the Panels decision and the reasons for this outcome;
- the action plan proposed to resolve the concerns raised.

715 The decision of the Appeal Panel is final in respect of this Group Dispute Resolution Procedure.

## 8. Additional Information

### **Timing and/or Rescheduling**

801 The timings and location of any Meetings, Hearings or Appeals under this procedure will be reasonable and each step in the procedure will be taken without unreasonable delay.

802 Where staff have chosen a work colleague or trade union/ professional association representative to support them within this Policy & Procedure and they are unavailable on the dates suggested - the employee must offer an alternative date, which is reasonable and which falls on or before the end of the fifth standard working day, after the original Hearing or Appeal date proposed.

### **Accompaniment/Representation**

803 Staff have a right of accompaniment at all stages of the procedure by either work colleague or trade union/professional association representative. Additionally they also have the right to be represented by a work colleague or their trade union/professional association representative at any subsequent Hearing or Appeal.

It is the employee's responsibility to ensure that their chosen person is willing and able to attend any meeting, hearing or appeal.

The manager leading the procedure will have the right at every stage of the process to be supported, for example, by a link school HR Business Partner or another management colleague.

804 However, it is important to note that during both accompaniment and representation the employee can be asked a direct question and can be requested to answer that question. This does not preclude the employee from taking advice from their work colleague/trade union/professional association representative before they respond.

### **Considering external resolution**

805 Where the staff concerned and their trade union remain dissatisfied at the end of this internal procedure then consideration should be given to alternative means of resolving the group dispute. This may include referring the dispute for consideration by an independent third party or through seeking advice from ACAS.

## **Contacts**

- 805 The following information can be obtained from the school Link HR Business Partner.
- A current list of trade union/professional association representatives.
  - Alternatively, information relating to contact details can also be obtained by accessing the Intranet or via the Staff Notice Board.